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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,868	02/23/2004	Takehiro Motegi	041465-5218	7082

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EXAMINER
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HUBER, PAUL W

ART UNIT	PAPER NUMBER
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2653

DATE MAILED: 05/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/782,868

Applicant(s)

MOTEGI, TAKEHIRO

Examiner

Paul Huber

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2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 8-12 is/are rejected.
- 7) ☒ Claim(s) 5-7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>070904</u> . | 6) <input type="checkbox"/> Other: ____.  |

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The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 8, 9, 11 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamamoto et al. (USP-5,577,017).

Regarding claims 1-4, 8, 9 & 11, Yamamoto et al. discloses an optical pickup for reading an information signal by emitting a light beam to an information recording surface of a recording medium 24 having a recording track composed of information pits arranged for recording the information signal. See figure 3. A light source 19 emits the light beam having linear polarization. An optical system (elements 20-23 & 1) guides the emitted light beam to the information recording surface and further guides light that is emitted from the information recording surface based on the guided light beam, to an optical path different from an optical path to the light source 19. A light-receiving device 4 receives the light guided by the optical system from the information recording surface. "The incident light before incidence on the  $\lambda/2$  plate 1 is a P-polarized light component, as shown in FIG. 4(a-1). ... The reflected light before incidence on  $\lambda/2$  plate 1 through the objective lens 23 upon reflection on the magneto-optical disk 24 passes through the  $\lambda/2$  plate 1 once, so that the polarization plane of the polarized incident component is rotated through 45 degrees, as shown in FIG. 4(a-2). This component is a polarized light component having an angle of 45 degrees with respect to the track direction on the magneto-optical disk 24" (col. 7, lines 11). Therefore, the optical system controls a polarization direction of the emitted light beam, with respect to a direction of the recording track, wherein the optical system changes the polarization direction so that an angle in the polarization direction is 45 degrees with respect to the direction of the recording track, as compared with the case where the optical system changes no polarization direction as claimed.

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Regarding claim 12, Yamamoto et al. further teaches reproducing recorded information corresponding to the information signal based on a detection output of the light-receiving device 4 of the optical pickup.

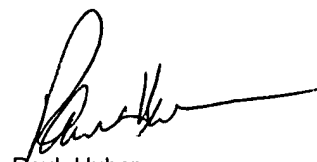
Claims 1 and 8-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Yoshizawa (USP-4,841,510).

Regarding claims 1, 8, 9, 11 & 12, Yoshizawa discloses an optical pickup for reading an information signal by emitting a light beam to an information recording surface of a recording medium 114 having a recording track composed of information pits arranged for recording the information signal. See figures 15a-17. A light source 83 emits the light beam having linear polarization. An optical system (elements 85, 87, 93, 94, 112, 113 & 96) guides the emitted light beam to the information recording surface and further guides light that is emitted from the information recording surface based on the guided light beam, to an optical path different from an optical path to the light source 83. A light-receiving device (elements 99 and 102) receives the light guided by the optical system from the information recording surface. The optical system controls a polarization direction of the emitted light beam, with respect to a direction of the recording track, i.e., the polarization direction is changed by way of either a  $\lambda/4$  plate 113 or a  $\lambda/2$  plate. See col. 10, line 62, through col. 11, line 18.

Regarding claim 10, the light source 83 emits the light beam so that flux of light is elliptical in cross section and is shaped like an ellipse having a major axis orthogonally to the polarization direction ( $P'$  component). See figure 15b and col. 10, lines 1-13.

Claims 5-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication should be directed to Paul Huber at telephone number 571-272-7588.



Paul Huber  
Primary Examiner  
Art Unit 2653

pwh  
May 24, 2005